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3 **IN THE UNITED STATES DISTRICT COURT**
4 **EASTERN DISTRICT OF CALIFORNIA**
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6 **CHRISTOPHER DOMINGUEZ,**

7 Plaintiff(s),
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10 v.
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15 **LEPRINO FOODS COMPANY,**

16 Defendant(s).
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CASE NO. 1:24-cv-00371-JLT-EPG

**CLASS ACTION SCHEDULING
CONFERENCE ORDER**

1 This Court conducted a scheduling conference on **July 2, 2024**. Counsel **Kristen Agnew**
2 appeared telephonically on behalf of the Plaintiff(s). Counsel **Lisa Pooley** appeared
3 telephonically on behalf of the Defendant(s). Pursuant to Fed. R. Civ. P. 16(b), this Court sets a
4 schedule for this action.

5 The Court opens discovery on the merits as to the named Plaintiff and on class certification.
6 Additionally, the parties may take further discovery if they agree. Further scheduling expanding
7 the scope of discovery will, if necessary, be issued following class certification.

8 **I. CONSENT TO MAGISTRATE JUDGE**

9 The parties are reminded of the availability of United States Magistrate Judge Erica P.
10 Grosjean to conduct all proceedings in this action. A United States Magistrate Judge is available
11 to conduct trials, including entry of final judgment, pursuant to 28 U.S.C. § 636(c), Federal Rule
12 of Civil Procedure 73, and Local Rule 305. The same jury pool is used by both United States
13 Magistrate Judges and United States District Court Judges. Any appeal from a judgment entered
14 by a United States Magistrate Judge is taken directly to the United States Court of Appeal for the
15 Ninth Circuit. However, the parties are hereby informed that no substantive rulings or decisions
16 will be affected by whether a party chooses to consent.

17 **II. CLASS CERTIFICATION MOTIONS**

18 The following deadlines are set with regard to the filing of class certification motions:

19 Motion for Class Certification: **May 30, 2025**

20 Opposition: **August 15, 2025**

21 Reply: **September 12, 2025**

22 The hearing on any motion for class certification, to be heard by Magistrate Judge Erica P.
23 Grosjean in Courtroom 10, has been set for a **one hour** hearing on **September 26, 2025 at 10:00**
24 **AM**.

25 The Court will set additional deadlines regarding class merits discovery and trial dates, if
26 necessary, after a ruling on any motion for class certification.

27 **III. STATUS CONFERENCE**

28 A Status Conference will be held on **January 15, 2025, at 10:30 AM** in Courtroom 10
before Magistrate Judge Erica P. Grosjean. At least (7) days prior to the conference, the parties
are directed to file a joint report, of up to five (5) pages, outlining the status of the case, any
additional discovery still planned, potential for settlement, and any other issues pending that
would benefit from the Court's assistance/direction. If the parties are appearing telephonically,

each party shall dial 1 (888) 251-2909 and enter access code 1024453. Alternatively, the parties and counsel may appear in person. If one or more parties wish to appear in person, they shall email Felicia Navarro, Courtroom Deputy, at fnavarro@caed.uscourts.gov at least 24 hours before the proceeding so that a notation can be placed on the Court's calendar.

IV. PRETRIAL MOTION SCHEDULE

A. *General Information Regarding Filing Motions*

The parties are advised that unless prior leave of the Court is obtained before the filing deadline,¹ all moving and opposition briefs or legal memoranda, including joint statements of discovery disputes, filed in civil cases before Magistrate Judge Grosjean, shall not exceed twenty-five (25) pages. Reply briefs by the moving party shall not exceed ten (10) pages. These page limits do not include exhibits. Courtesy copies for any filing in excess of twenty-five pages (25) (including exhibits) shall also be delivered to chambers via US mail, or hand delivery, at the time the filing is electronically filed. The party submitting the courtesy copy shall ensure that the docket identification number is listed on the copy. When scheduling motions (other than discovery motions) the parties shall comply with Local Rule 230.

Counsel or *pro se* parties may appear and argue motions by telephone, provided a request to so do is made to Courtroom Deputy Felicia Navarro (unless prior permission has been given by the judge), no later than five (5) court days before the noticed hearing date. Requests can be made by emailing Courtroom Deputy Felicia Navarro at fnavarro@caed.uscourts.gov. If the parties are appearing telephonically, each party shall dial 1 (888) 251-2909 and enter access code 1024453.

1. *Informal Discovery Conference*

In order to file a motion involving a discovery dispute, *see* Fed. R. Civ. P. 26 through 37 and 45,² a party must receive permission from the Court following an informal telephonic discovery dispute conference. However, non-parties challenging a subpoena under Fed. R. Civ. P. 45 are not required to request an informal conference before filing a motion. A party wishing to schedule such a conference should contact chambers to receive available dates. The Court will schedule the conference as soon as possible, taking into consideration the urgency of the issue.

Prior to the conference, the parties shall simultaneously file an Informal Discovery

¹ Parties may seek leave through a telephonic conference among all parties and the Court, or by short motion.

² The Court construes "discovery dispute" broadly, which includes, but is not limited to, disputes regarding written discovery, oral depositions, physical and mental examinations, and protective orders.

1 Dispute Letter Brief, outlining their positions regarding the dispute. Such briefs shall be no
2 longer than three pages single-spaced, and may include up to five pages of exhibits. The Court
3 will provide the date and time the Letter Briefs are due at the time the conference is scheduled.

4 At the time of conference, the parties shall dial 1 (888) 251-2909 and enter access code
5 1024453. The Court will not issue a formal ruling at that time. Nevertheless, the Court will
6 attempt to provide guidance to the parties to narrow or dispose of the dispute. If no resolution can
7 be reached without formal motion practice, the Court will authorize the filing of a formal
8 discovery motion.

9 2. *Discovery Motions*

10 If a discovery motion, *see* Fed. R. Civ. P. 26 through 37 and 45, is brought after receiving
11 permission from the Court, the parties must prepare and file a Joint Statement re: Discovery
12 Disagreement (“Joint Statement”) as required by Local Rule 251.³ In scheduling such motions,
13 Magistrate Judge Grosjean may grant applications for an order shortening time pursuant to Local
14 Rule 144(e). If a party does not obtain an order shortening time, the notice of motion must
15 comply with Local Rule 251.

16 A Joint Statement not to exceed twenty-five (25) pages must be filed at least fourteen (14)
17 days before the scheduled hearing date. Prior to the filing of the Joint Statement, the parties must
18 meet and confer as set forth in Local Rule 251(b). Motions may be removed from the Court’s
19 calendar if the Joint Statement is not timely filed, or if courtesy copies are not timely delivered.

20 V. COMPLIANCE WITH FEDERAL PROCEDURES

21 All counsel are expected to familiarize themselves with the Federal Rules of Civil
22 Procedure and the Local Rules of the Eastern District of California and to keep abreast of any
23 amendments thereto. The Court requires strict compliance with these rules. Sanctions will be
24 imposed for failure to follow the rules as provided in both the Federal Rules of Civil Procedure
25 and the Local Rules of the Eastern District of California.

26 VI. EFFECT OF THIS ORDER

27 This order represents the Court and the parties’ best estimated schedule to complete this
28 case. Any party unable to comply with the dates outlined in this order shall immediately file an
appropriate motion or stipulation identifying the requested modification(s).

The dates set in this Order are considered to be firm and will not be modified absent a

³ Certain limited exceptions from filing the required Joint Statement are outlined in Local Rule 251(e).

1 *showing of good cause, even if a stipulation to modify is filed.* Stipulations extending the
2 deadlines contained herein will not be considered unless they are accompanied by affidavits or
3 declarations with attached exhibits, where appropriate, that establish good cause for granting the
4 requested relief. Due to the impacted nature of the civil case docket, this Court disfavors requests
5 to modify established dates.

6 Failure to comply with this order shall result in the imposition of sanctions.

7 IT IS SO ORDERED.

8 Dated: July 2, 2024

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE